

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY VANDIVER,

Plaintiff,

CIVIL ACTION NO. 05-CV-72835-DT

v.

DISTRICT JUDGE ROBERT H. CLELAND

CORRECTIONAL MEDICAL
SERVICES, INC., CORRECTIONAL
FACILITIES ADMINISTRATION,
MEDICAL DIRECTOR OF HEALTH
SERVICES, JAN EPPS, BETTY GLASPEN,
SUSAN DeBRUYN, NURSE KING,
HAZEL AUSTIN, DENISE FREED-DANIELS,
BARBARA ANDERSON, and
DR. GEORGE PRAMSTALLER,

MAGISTRATE JUDGE DONALD A. SCHEER

Defendants.

/

ORDER DENYING PLAINTIFF'S MISCELLANEOUS MOTIONS
ORDER COMPELLING PLAINTIFF TO SIGN MEDICAL RELEASE FORM

Plaintiff filed the instant prisoner civil rights action, pursuant to 42 U.S.C. § 1983, against the above named defendants alleging that they had been deliberately indifferent to his serious medical needs. On January 20, 2006, Judge Cleland adopted a Report and Recommendation and dismissed Defendants Correctional Medical Services (CMS), Correctional Facilities Administration (CFA) and the Medical Director of Health Services.

Since Plaintiff's medical records are necessary for a proper evaluation of the claims presented, Plaintiff was ordered to sign a medical release form by January 13, 2006, allowing defense counsel access to his medical records. Plaintiff has refused to sign the medical access

form until a pending appeal on an unrelated matter to the Sixth Circuit Court of Appeals has been exhausted.

The order of a magistrate judge to whom a non-dispositive matter is referred may be set aside or modified by the district judge assigned to the case if objections are filed within 10 days after service of the order upon an objecting party. Fed. R. Civ. P.72(a). This plaintiff did not file objections to my order directing him to execute medical releases. He has identified no justification for further delay, and his Motion for a 90 day Extension (Docket #60) to comply with the order is DENIED.

The remaining Defendants were given until March 31, 2006, to file a Motion to Dismiss or for Summary Judgment. Since a dispositive motion is now pending, Plaintiff's Motion To Re-Issue Summons (Docket #54) is DENIED, without prejudice. Plaintiff may resubmit the motion, if the case survives summary disposition.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: January 27, 2006

CERTIFICATE OF SERVICE

I hereby certify on January 27, 2006 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on January 27, 2006. **Jerry Vandiver.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217